

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CAYETANO T. LARA,	)	No. C 07-04523 TEH (PR)
	)	
Petitioner,	)	ORDER GRANTING MOTION TO
	)	TRANSFER; VACATING ORDER
vs.	)	TO SHOW CAUSE
	)	
ADAMS, Warden,	)	
	)	
Respondent.	)	(Docket Nos. 7 & 8)
_____	)	

Petitioner, an inmate currently incarcerated at California State Prison - Corcoran, has filed a petition for a writ of habeas corpus seeking review of his criminal conviction from Fresno County, which lies within the venue of the Eastern District of California. See 28 USC § 84(b). Venue is proper in a habeas action in either the district of conviction or the district of confinement, see id § 2241(d). However, federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Accordingly, Respondent's motion to transfer venue to district of conviction (Docket No. 8) is GRANTED pursuant to Habeas LR 2254-3(b).

The Clerk of the Court shall TRANSFER this matter to the United States District

1 Court for the Eastern District of California.

2 In light of the transfer, this Court will defer ruling on Petitioner's motion for  
3 appointment of counsel (Docket No. 7) to the Eastern District. The Court's Order to  
4 Show Cause (Docket No. 6) is VACATED.

5 IT IS SO ORDERED.

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7 DATED: 05/12/08



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THELTON E. HENDERSON  
United States District Judge